

REMARKS

This Amendment is being filed in response to the Final Office Action mailed on May 26, 2009 which has been reviewed and carefully considered. By means of the present amendment, claim 19 has been canceled without prejudice and its features included in independent claims 1, 5-6 and 8-9. Accordingly, no new issues requiring a new search have been introduced and entry of the present Amendment is respectfully requested.

Claims 1-2, 4-6, 8-15, 18 and 20-24 remain in this application, where claims 3, 7 and 16-17 had been previously canceled without prejudice, and claim 19 has been currently canceled without prejudice. Claims 1, 5-6 and 8-9 are independent.

In the Final Office Action, claims 1-2, 4-6 and 8-15 are rejected under 35 U.S.C. §103(a) over WO 01/90860 (Schwartz) in view of U.S. Patent Application Publication No. 2003/0110192 (Valente). It is respectfully submitted that claims 1-2, 4-6, 8-15, 18 and 20-24 are patentable over Schwartz and Valente for at least the following reasons.

Schwartz is directed to a method for authenticating that a

specified pre-recorded media (e.g., CD) is inserted into a drive for granting access to restricted content related to a specific prerecorded media. On page 10 of the Final Office Action, in rejecting claim 19, it is alleged that certain portions of Schwartz disclose that "the memory medium properties includes a region code of the memory medium," as recited in independent claims 1, 5-6 and 8-9.

Applicants respectfully disagree and submit that Schwartz does not disclose or suggest that "the memory medium properties include a region code of the memory medium." Rather, the portions of Schwartz noted on page 10 of the Final Office Action, merely describe allowing download of additional data, i.e., restricted content or bonus track, if information "descriptive of the data on the prerecorded media ... fits a predetermined criteria, as described in the Abstract and page 1, lines 1-8 and 19-25; page 2, lines 18-21. Further, the claims of Schwartz do not disclose or suggest anything related to region codes. Rather claim 4 of Schwartz, for example, merely recites "generating a unique identifier for the CD ROM, the unique identifier being a function

of two or more of a number of tracks on the CD, a length of each track, an order of each track, and a total track length of the CD."

It is respectfully submitted that Schwartz does not disclose or suggest the present invention as recited in independent claim 1, and similarly recited in independent claims 5-6 and 8-9 which, amongst other patentable elements, recites (illustrative emphasis provided):

authenticating the memory medium by comparing said memory medium properties with corresponding properties of a corresponding memory medium legally produced by a provider, before sending the additional data to the device,...

wherein the memory medium properties include a region code of the memory medium.


These features are nowhere disclosed or suggested in Schwartz. Valente is cited to allegedly show other features and does not remedy the deficiencies in Schwartz.

Accordingly, it is respectfully requested that independent claims 1, 5-6 and 8-9 be allowed. In addition, it is respectfully submitted that claims 2, 4, 10-15, 18 and 20-24 should also be allowed at least based on their dependence from independent claims 1 and 5-6 as well as their individually patentable elements.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By 
Gregory L. Thorne, Reg. 39,398
Attorney for Applicant(s)
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THORNE & HALAJIAN, LLP
Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101

Please direct all inquiries and correspondence to:

Michael E. Belk, Reg. 33,357
Philips Intellectual Property & Standards
P.O. Box 3001
Briarcliff Manor, NY 10510-8001
(914) 333-9643